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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,436	08/09/2006	Douglas P. Zittel	1312US4	9138
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EXAMINER				
NGUYEN, DINH Q				
ART UNIT		PAPER NUMBER		
3752				
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10/20/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/532,436

**Applicant(s)**

ZITTEL ET AL.

**Examiner**

Dinh Q. Nguyen

**Art Unit**

3752

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 7-11, 13 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) 2 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 7-11, 13 and 20-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date 7/01/08
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The replacement drawings were received on July 09, 2008. These drawings are considered and entered.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "first and second seal cartridges retained in by said air cap" of claim 1, the "a plurality of air passages connecting said air valve" in claim 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "first and second seal cartridges retained in by said air cap" of claim 1, "a plurality of air passages connecting said air valve" in claim 7.
4. For the purpose of this Office action, the claims will be examined as best understood by the examiner.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 7, 10, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Schaefer as best understood by the examiner.

Schaefer discloses a spray gun 10 for fast setting plural component materials, said spray gun 10 comprising: a gun body 16, an air cap 30, a fluid housing 22 removably attached to said gun housing 16, the fluid housing 22 having a threaded surface (not numbered) for threadedly receiving said air cap 30 (see column 3, line 15) and generally opposed first and second radial ports 46 and 47 in said threaded surface (see figure 2), first and second seal cartridges 44 and 45 retained in said ports 46 and

47 by friction of the threaded portion and said air cap, an air valve 40 in the gun body, a piston 20 located in a passage 64 in the interior of the gun body a plurality of air passages 58 (a second air passage is related to air passage of the trigger valve) connecting said air valve and said interior, each of said passages being straight and accessible by line of sight from outside said gun body, an o-ring seal 34 for sealing the fluid manifold, a mixing chamber 40 with a tip 53 and a clean off air passage 58.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 8, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaefer as best understood by the examiner.

Schaefer teaches all the limitations of the claims except for the three seals and the hardened material of stainless steel, it would have been an obvious matter of design choice to a person of ordinary skill in the art to provide the device of Schaefer with the three seals and the hardened material of stainless steel, because Application has not disclosed that the three seals and the hardened material of stainless steel provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either claimed characteristics or the Schaefer characteristics.

Therefore, it would have been an obvious matter of design choice to modify the device of Schaefer to obtain the invention as specified in claims 8, 21 and 22.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaefer in view of Keller as best understood by the examiner.

Schaefer teaches all the limitations of the claims except for a muffler in the gun body. However, Keller discloses a spray gun having a gun body 24 with a muffler 33 attached therein. Therefore, it would have been obvious to one having ordinary skill in the art to have provided the device of Schaefer with a muffler as suggested by Keller. Doing so would provide a way to regulate air pressure within the spray gun (see column 3, lines 10+).

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaefer in view of Levy as best understood by the examiner.

Schaefer teaches all the limitations of the claims except for a one piece stem and a seal. However, Levy discloses a spray gun 10 for fast setting plural component materials having a fluid manifold body 12 and first and second fluid valves that each having a one piece stem 54 and a seal 50 for sealing engaging the body 12 (see figure 3). Therefore, it would have been obvious to one having ordinary skill in the art to have provided the device of Schaefer with a one piece stem and a seal as suggested by Levy. Doing so would provide a way for adjusting and controlling fluid flow.

11. Claim 13, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaefer in view of Ten Pas as best understood by the examiner.

Schaefer teaches all the limitations of the claims except for a grease fitting. However, Ten Pas discloses a spray gun 10 for fast setting plural component materials having a purge air passage 256, and a grease fitting 44 (see figure 2). Therefore, it would have been obvious to one having ordinary skill in the art to have provided the device of Schaefer with a grease fitting as suggested by Ten Pas. Doing so would provide a way to provide lubrication for the spray gun.

***Response to Arguments***

12. Applicant's arguments filed July 09, 2008 have been fully considered but they are not persuasive. Applicant arguments in the amendment filed on July 09, 2009 is fully acknowledged by the Examiner. However, the Examiner respectfully traverses the Applicant arguments in view of the objections above, the essential limitations of claim 1 and 7 are not shown in a way that could be understood by the Examiner, for example the Examiner does not understand how the first and second seal cartridges (18, 20) retained in by said air cap (10), since the air cap is retained in place by the retaining ring 9 and the air cap 910 ) is abutted with the front surface of the fluid housing (11), whereby the first and second seal cartridges (18, 20) is retained by friction radially on the side of the fluid housing (11) as shown in the newly submitted figures 2 and 7. Without clearly shown in the drawing and described in the specification, the Examiner rejecting the claims as best understood. Furthermore, the claim status identifier for Claim 2 is not correctly reflecting the status of the claim, which is withdrawn for non-elected invention and species.

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinh Q. Nguyen whose telephone number is 571-272-4907. The examiner can normally be reached on Monday-Thursday 6:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on 571-272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dinh Q Nguyen/  
Primary Examiner, Art Unit 3752

dqn